

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

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|-------------------------------------|---|--|
| NORTHERN BOTTLING CO., INC., |) | Case No. 4:15-CV-00133 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Judge Daniel L. Hovland |
| |) | Magistrate Judge Charles S. Miller, Jr. |
| |) | |
| PEPSICO, INC., |) | |
| |) | |
| Defendant. |) | |

JOINT STATUS REPORT

Plaintiff Northern Bottling Co., Inc. (“Northern Bottling”), and Defendant PepsiCo, Inc. (“Pepsi”), through counsel, hereby submit this Joint Status Report pursuant to the Court’s January 5, 2017 order. (Dkt. 33.) The Parties state as follows:

1. On January 5, 2017, the Court conducted a brief telephone status conference with counsel for the Parties. During that status conference, the Parties asked the Court to suspend all pretrial deadlines in the case in order to allow the parties to conduct settlement negotiations. The Court agreed and entered an order suspending all pretrial deadlines until February 6, 2017. (Dkt. 33.) The order also directed the Parties to file a status report on that date. (*Id.*)

2. Since the last hearing, the Parties have negotiated in good faith in an effort to resolve the case, but due to travel and other scheduling conflicts, have not yet had time to complete those negotiations.

3. Accordingly, the Parties ask the Court to extend the suspension of all pretrial deadlines for an additional 21 days, to February 27, 2017, to allow the Parties and their counsel to conduct further negotiations to determine whether they will be able to settle this dispute.

WHEREFORE, Northern Bottling Co., Inc., and PepsiCo, Inc., respectfully request that the Court continue to suspend all pretrial deadlines in this matter until February 27, 2017.

Dated: February 6, 2017

/s/ James Ragain

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CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2017, the following document:

1. JOINT STATUS REPORT

was filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) to the following:

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Dated this 6th day of February, 2017.

/s/ Kevin Reidy

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